

IC 3-7-38.1

Chapter 38.1. Duplicate Registration Elimination Program

IC 3-7-38.1-1

"Contractor" defined

Sec. 1. As used in this chapter, "contractor" refers to the person with whom the election division contracts under section 3 of this chapter.

As added by P.L.4-1996, SEC.21. Amended by P.L.3-1997, SEC.96.

IC 3-7-38.1-2

"Voter with duplicate registrations" defined

Sec. 2. As used in this chapter, "voter with duplicate registrations" refers to a voter who, based on voter registration records, possibly is registered to vote at more than one (1) address.

As added by P.L.4-1996, SEC.21.

IC 3-7-38.1-3

Assistance in implementation; nonimplementation of program in odd-numbered years

Sec. 3. (a) The election division shall contract with a competent person to assist the commission in implementing this chapter.

(b) The election division is not required to enter into a contract under this chapter during an odd-numbered year if the election division determines that the cost of conducting the duplicate registration elimination program exceeds any benefit resulting from the maintenance of the voter registration rolls under this chapter.

As added by P.L.4-1996, SEC.21. Amended by P.L.3-1997, SEC.97.

IC 3-7-38.1-4

Duties of contractor

Sec. 4. (a) A contract entered into under section 3 of this chapter must require the following:

(1) The contractor shall determine the following information regarding each voter with duplicate registrations:

(A) The voter's name.

(B) Each address at which the voter is registered.

(C) Other information the commission determines is necessary to implement this chapter.

The contractor shall obtain the information required by this subdivision from the information submitted to the election division under IC 3-7-26-4.

(2) The contractor shall compile the information determined under subdivision (1) and provide the following with the information compiled under subdivision (1) in the form required by the commission:

(A) The election division.

(B) Each county in which a voter with a duplicate registration is registered to vote.

(3) The contractor shall print, prepare for mailing, and mail a

postcard addressed to each voter with duplicate registrations at each address found for that voter. Each postcard must contain the following:

- (A) The election division's mailing address as a return address.
 - (B) A return postcard that contains all of the following:
 - (i) A mailing address to the election division.
 - (ii) A listing of all the addresses at which the voter is believed to be registered.
 - (iii) Instructions to the voter to indicate whether addresses listed on the postcard are previous addresses of the voter.
 - (iv) A place for the voter to state the voter's current address.
 - (v) A statement of the voter authorizing cancellation of the voter's registration at other addresses in Indiana.
 - (vi) A statement informing the voter that the voter must return the postcard to the election division not later than a date specified by the election division.
 - (vii) A place for the voter's signature or mark.
 - (C) A statement of the consequences to the voter of the voter's failure to return the return postcard to the election division not later than a date specified by the election division.
- (4) Before a date specified by the election division for each year, the contractor shall provide to the election division the following lists:
- (A) A list of all voters with duplicate registrations who have returned postcards to the election division before a date specified by the election division. The list must indicate for each voter the following information:
 - (i) The voter's current address, including the county, as provided by the voter.
 - (ii) Each former address, including the county of each former address, at which the voter is registered.
 - (B) A list of all voters with duplicate registrations who have not returned postcards to the election division before a date specified by the election division. The list must indicate each county in which each voter is registered to vote.
- (5) Not later than a date specified by the election division, the contractor shall mail to each county the following lists:
- (A) A list of all voters with duplicate registrations who have:
 - (i) returned postcards to the election division before a date specified by the election division; and
 - (ii) indicated a current residence within the county.
 - (B) A list of all voters with duplicate registrations who:
 - (i) have returned postcards to the election division before a date specified by the election division;
 - (ii) are registered to vote in the county; and
 - (iii) have indicated a current residence in another county.
 - (C) A list of all voters with duplicate registrations who:

(i) have not returned postcards to the election division before a date specified by the election division; and

(ii) are registered to vote in the county.

(6) Not later than a date specified by the election division, the contractor shall send a postcard to each voter described in subdivision (5)(B) informing the voter how the voter may register to vote in the county of the voter's current residence. Postcards and information supplied on postcards sent under this subdivision must comply with 42 U.S.C. 1973gg-6(d).

(7) Not later than a date specified by the election division, the contractor shall assist the election division in updating the statewide voter registration file using information obtained from the county voter registration offices under section 6 of this chapter.

(b) The contract may require the contractor to perform other services the election division requires.

As added by P.L.4-1996, SEC.21. Amended by P.L.3-1997, SEC.98; P.L.38-1999, SEC.10; P.L.66-2003, SEC.8.

IC 3-7-38.1-4.5

Election division may require contractor to provide original postcards

Sec. 4.5. The election division may require the contractor to provide each county voter registration office with original postcards returned to the election division or photocopies of the postcards instead of the lists required under section 4 of this chapter.

As added by P.L.3-1997, SEC.99. Amended by P.L.38-1999, SEC.11.

IC 3-7-38.1-5

Duties of county voter registration office upon receipt of lists or postcards

Sec. 5. After receiving lists under section 4(a)(5) of this chapter or postcards under section 4.5 of this chapter, each county voter registration office shall do the following:

(1) Change the registration records of all voters described in section 4(a)(5)(A) of this chapter to show the voter's current address.

(2) Cancel the registration of all voters described in section 4(a)(5)(B) of this chapter.

(3) Place on inactive status the name of each voter described in section 4(a)(5)(C) who has not notified the county voter registration office before a date specified by the election division for each year.

As added by P.L.4-1996, SEC.21. Amended by P.L.3-1997, SEC.100; P.L.38-1999, SEC.12.

IC 3-7-38.1-6

Information concerning voters provided

Sec. 6. Before a date specified by the election division for each year, each county voter registration office shall provide to the

contractor information concerning all voters registered in the county:

- (1) in the format prescribed under IC 3-7-26; and
- (2) current as of a date specified by the election division for each year.

As added by P.L.4-1996, SEC.21. Amended by P.L.38-1999, SEC.13.

IC 3-7-38.1-7

Cancellation of registration; reinstatement of registration

Sec. 7. (a) A county voter registration office shall cancel the registration of a voter who is described by both of the following:

- (1) The voter is described in section 4(a)(5)(C) of this chapter.
- (2) The voter has not voted (or appeared to vote or to correct the registration record stating the voter's address) in an election during the period:

- (A) beginning on the date of the notice sent under section 4(a)(3) of this chapter; and

- (B) ending on the day after the date of the second general election that occurs after the date of the notice sent under section 4(a)(3) of this chapter.

(b) If an individual appears to vote after the individual's registration is placed on inactive status under section 5 of this chapter, the individual must affirm under IC 3-10-1 or IC 3-11-8 before the individual is permitted to vote that the individual currently resides at the address shown on the individual's registration.

(c) At the expiration of the period ending thirty (30) days after the second general election described in subsection (a)(2)(B), the county voter registration office shall cancel the registration of a voter described by this section.

As added by P.L.4-1996, SEC.21. Amended by P.L.38-1999, SEC.14; P.L.14-2004, SEC.48.

IC 3-7-38.1-8

Costs

Sec. 8. (a) The election division shall pay all costs of a contract entered into under this chapter.

(b) A county is not required to pay any costs of a contract entered into under this chapter.

As added by P.L.4-1996, SEC.21. Amended by P.L.3-1997, SEC.101.

IC 3-7-38.1-9

Compliance with federal statute

Sec. 9. The election division shall ensure that a contract entered into under this chapter and implementation of the contract comply with 42 U.S.C. 1973gg-6.

As added by P.L.4-1996, SEC.21. Amended by P.L.3-1997, SEC.102.

IC 3-7-38.1-10

Lists to be provided upon request

Sec. 10. At the request of an entity described in IC 3-7-26-10(a), the election division shall provide to the entity any list produced

under this chapter on magnetic media.

As added by P.L.4-1996, SEC.21. Amended by P.L.3-1997, SEC.103.

IC 3-7-38.1-11

Expiration of chapter

Sec. 11. This chapter expires January 1, 2006.

As added by P.L.209-2003, SEC.62.